

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Clarification of Procedures for Participation of)
Federally Recognized Indian Tribes and Native)
Hawaiian Organizations Under the Nationwide)
Programmatic Agreement)

DECLARATORY RULING

Adopted: October 5, 2005

Released: October 6, 2005

By the Commission: Chairman Martin and Commissioner Abernathy concurring and issuing a joint statement; and Commissioners Cops and Adelstein issuing separate statements

I. INTRODUCTION

1. By this Order, we interpret and clarify the application of the provisions in the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission (“Nationwide Agreement”)¹ that govern participation of Indian tribes and Native Hawaiian organizations. Specifically, this Order addresses situations where a federally recognized Indian tribe (“Indian tribe”)² or Native Hawaiian organization (“NHO”) has not responded to an Applicant’s³ and the Commission’s efforts to determine whether the Indian tribe or NHO has an interest in participating in the review of proposed construction of communications towers and antennas.

2. We clarify that once an Applicant has made two good faith efforts over 40 days to obtain a response as specified in the Nationwide Agreement, the Commission upon notice will communicate by letter or e-mail with the Indian tribe’s or NHO’s designated cultural resources representative seeking an indication, within 20 days, of the Indian tribe’s or NHO’s interest in participating in review of the proposed construction. The Indian tribe or NHO thus will have received at least three contacts and will have had a total period of at least 60 days in which to respond. If the Indian tribe or NHO does not respond to either the Commission or the Applicant within 20 days of the Commission’s communication, it will be deemed to have no interest in pre-construction review, and the Applicant’s obligations with respect to that Indian tribe or NHO under Section IV of the Nationwide Agreement are complete. This process is effective immediately.

¹ 47 C.F.R. Part 1, Appendix B.

² As used herein, the term “Indian tribes” encompasses those Indian tribes, including Alaska Native Villages, recognized by the Secretary of the Interior pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. § 479a *et seq.* See Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process, WT Docket No. 03-128, *Report and Order*, 20 FCC Rcd 1073, 1075 n.3 (2004) (*Nationwide Agreement Report and Order*).

³ An “Applicant” is defined as “[a] Commission licensee, permittee, or registration holder, or an applicant or prospective applicant for a wireless or broadcast license, authorization or antenna structure registration, and the duly authorized agents, employees, and contractors of any such person or entity.” Nationwide Agreement, § II.A.2.

II. BACKGROUND

3. The Nationwide Agreement implements the Commission's fulfillment of its obligations under Section 106 of the National Historic Preservation Act of 1966 ("NHPA")⁴ in a streamlined manner that is tailored to the construction of communications towers and other Commission undertakings.⁵ Section IV of the Nationwide Agreement governs the participation of Indian tribes and NHOs in undertakings off of tribal lands. Under the Nationwide Agreement, in order to enable the Commission to fulfill its duty of consultation with Indian tribes and NHOs, Applicants must make reasonable and good faith efforts to identify, and ensure contact is made with, Indian tribes and NHOs that may attach religious and cultural significance to historic properties that may be affected by an undertaking.⁶ To assist Applicants in meeting this requirement, the Commission has established the Tower Construction Notification System ("TCNS"), an interactive, login and password-protected system which contains contact information for all Indian tribes and NHOs, and which automatically forwards Applicants' notices of proposed construction to Indian tribes and NHOs. Because each Indian tribe and NHO voluntarily provided information to TCNS regarding the geographic areas in which historic properties of religious and cultural significance to that Indian tribe or NHO may be located, reference to TCNS constitutes a reasonable and good faith effort at identification with respect to that Indian tribe or NHO.⁷ Applicants may fulfill their obligation to ensure that initial contacts are made with potentially affected Indian tribes and NHOs either by using TCNS, which will automatically make the initial contacts on behalf of the Commission, or by making contact independently pursuant to a pre-existing relationship.⁸ While Applicants are not required to use TCNS, they must make reasonable and good faith efforts to identify potentially affected Indian tribes and NHOs, and they must ensure that these Indian tribes and NHOs are contacted in an effective manner that is respectful of tribal sovereignty.⁹ Under the Nationwide Agreement, Applicants must ensure that Indian tribes and NHOs have a reasonable opportunity to respond to communications, ordinarily 30 days, and should make a reasonable effort to follow up in case an Indian tribe or NHO fails to respond to an initial communication.¹⁰

4. The purpose of the initial contact with an Indian tribe or NHO is to begin the process of ascertaining whether historic properties of cultural or religious significance to the Indian tribe or NHO may be affected.¹¹ Thus, the initial contact does not itself constitute or stand in the place of Section 106 consultation. To the contrary, if an Indian tribe requests government-to-government consultation in the course of its

⁴ 16 U.S.C. § 470f.

⁵ See *Nationwide Agreement Report and Order*, 20 FCC Rcd at 1074-75, para. 1.

⁶ Nationwide Agreement, §§ IV.B, IV.C.

⁷ Nationwide Agreement, § IV.B. We note that TCNS contains geographic preferences for all but 21 of the more than 570 federally recognized Indian tribes. For those few Indian tribes and NHOs that have not entered geographic information into TCNS, the Applicant must make reasonable and good faith efforts at identification and contact using other sources. See Public Notice, "Wireless Telecommunications Bureau and Consumer & Governmental Affairs Bureau Announce Enhancement and Provide Clarifications Regarding Use of Tower Construction Notification System," 20 FCC Rcd 7546, 7549 (WTB/CGB 2005).

⁸ See Nationwide Agreement, § IV.E; *Nationwide Agreement Report and Order*, 20 FCC Rcd at 1107, para. 94.

⁹ See Nationwide Agreement, §§ IV.C, IV.E, IV.F. We note that all the major carriers and tower companies are using TCNS.

¹⁰ *Id.*, §§ IV.F.4, IV.F.5.

¹¹ *Id.*, § IV.C; see also *id.*, § IV.G ("The purposes of communications between the Applicant and Indian tribes or NHOs are: (1) to ascertain whether Historic Properties of religious and cultural significance to the Indian tribe or NHO may be affected by the undertaking and consultation is therefore necessary, and (2) where possible, with the concurrence of the Indian tribe or NHO, to reach an agreement on the presence or absence of effects that may obviate the need for consultation.").

communications with an Applicant, the Applicant must promptly refer that request to the Commission.¹² If an Indian tribe or NHO indicates that a historic property of religious and cultural significance to it may be affected, the Applicant must invite the Indian tribe or NHO to participate in the Section 106 review as a consulting party.¹³ Finally, if an Indian tribe or NHO does not respond to an Applicant's inquiries, the Applicant must seek the Commission's guidance.¹⁴ Hence, the initial contact is not intended directly to elicit a final statement from an Indian tribe or NHO regarding the effect of proposed construction on historic properties, but rather to separate undertakings that may have such an effect, and in which the Indian tribe or NHO therefore has an interest in further participation, from those in which it has no interest.

5. Shortly after completing the Nationwide Agreement, the Commission and the United South and Eastern Tribes, Inc. ("USET") agreed on Voluntary Best Practices for Expediting the Process of Communications Tower and Antenna Siting Review Pursuant to Section 106 of the National Historic Preservation Act ("USET Best Practices").¹⁵ The USET Best Practices are intended to guide Applicants in review under Section 106 of the impact of communications facilities on historic properties of religious and cultural significance to USET tribes, consistent with the Nationwide Agreement.¹⁶

6. In order to address delays in facilities construction that have arisen in instances when Indian Tribes and NHOs have not timely responded to initial contacts from Applicants and the Commission, representatives of the wireless industry have asked the Commission to clarify what the Nationwide Agreement requires in these cases.¹⁷ Representatives of Indian tribes have supported the request for clarification.¹⁸ We therefore issue this Declaratory Ruling on our own motion to resolve uncertainty.¹⁹

III. DISCUSSION

7. As set forth in the Nationwide Agreement, the initial steps in identifying Indian tribes and NHOs that may attach cultural and religious significance to potentially affected historic properties and in ensuring that these Indian tribes and NHOs are contacted must be undertaken by the Applicant. An Applicant's initial attempts at making these contacts should be undertaken through TCNS or as otherwise authorized under the Nationwide Agreement.²⁰ Ordinarily, 30 days is a reasonable period of time for an Indian tribe or NHO to

¹² *Id.*, § IV.G.

¹³ *Id.*, § IV.H.

¹⁴ *Id.*, § IV.G. We note that an Indian tribe or NHO may specify in TCNS that it is not interested in reviewing proposed construction of certain types or in certain locations, in which case the Applicant need not wait for a response. *Id.*, § IV.F.4. An Indian tribe or NHO may also specify that if it does not respond to initial notifications within 30 days, its lack of response may be taken as an indication of no interest, and no follow up is necessary.

¹⁵ See News Release, "Tower Siting Voluntary 'Best Practices' Released" (October 25, 2004).

¹⁶ USET Best Practices at 1.

¹⁷ See Letter from Andrea Williams, Assistant General Counsel, CTIA – The Wireless Association, to Fred Campbell, Acting Wireless Legal Adviser, Office of Chairman Martin, dated August 26, 2005. We note that, of the more than 1500 currently pending tower sites referred to the Commission because one or more Indian tribes or NHOs have not responded to an Applicant's inquiries whether a historic property of religious and cultural significance may be affected, more than 1000 sites have been referred since August 1, 2005.

¹⁸ See Letter from James T. Martin, Executive Director, USET, to Kevin J. Martin, Chairman, FCC, dated August 26, 2005; Letter from James T. Martin, Executive Director, USET, to Monica Desai, Chief, Consumer and Government Affairs Bureau, and Catherine Seidel, Acting Chief, Wireless Telecommunications Bureau, dated August 15, 2005.

¹⁹ See 47 C.F.R. § 1.2.

²⁰ See Nationwide Agreement, §§ IV.B, IV.E.

respond to such initial contact.²¹ If an Indian tribe or NHO does not respond within this time frame, the Applicant should attempt a second contact in a manner reasonably calculated to elicit a response - for example, a telephone call or e-mail directed to the Indian tribe's or NHO's designated cultural resources representative.²² If an Indian tribe or NHO does not respond to this second contact within 10 calendar days, we conclude that it is consistent with the NPA for the Applicant to refer the matter to the Commission for guidance.²³ To facilitate prompt processing of its request, the Applicant may submit its referral to the Commission by e-mail at TribalTowerExchange@fcc.gov.²⁴

8. By this order, we clarify the process that the Commission will follow, effective immediately, upon receiving a referral for follow-up contacts where an Indian tribe or NHO has not responded to two reasonable and good faith contacts initiated by the Applicant. Under current practice, once an Applicant seeks Commission guidance, Commission staff is making multiple efforts to contact the Indian tribe or NHO by telephone, e-mail, and/or letter on an ongoing basis and for an indefinite period of time. We now clarify that, consistent with requirements of the NPA, for future referrals the Commission staff will promptly contact the Indian tribe's or NHO's designated cultural resources representative by letter and/or e-mail to respectfully request that the Indian tribe or NHO inform the Commission and the Applicant within 20 calendar days as to its interest or lack of interest in participating in the Section 106 review.²⁵ In addition, staff will attempt to contact the potentially affected tribes and NHOs by telephone both to alert them that such a letter and/or e-mail has been sent, and to advise them that they should contact Commission staff if they do not receive our letter and/or email and should contact the Commission and the Applicant if they wish to express an interest in a particular site.²⁶ Staff will also inform the Applicant when this letter or e-mail is sent, either by copying it on the correspondence or by other effective means. If the Indian tribe or NHO does not respond within 20 days of the date of this letter or e-mail,²⁷ the Applicant's pre-construction obligations under the Nationwide Agreement are discharged with respect to that Indian tribe or NHO. If the Indian tribe or NHO responds that it is interested in participating within the 20-day period, the Applicant must involve it in the review as set forth

²¹ *Id.*, § IV.F.4.

²² *Id.*, § IV.F.5.

²³ We note that this process allows the Indian tribe or NHO a longer opportunity to respond than is recommended for USET's member Tribes under the USET Best Practices. See USET Best Practices, §§ III.B (Tribe should respond to initial contact within 14 days), III.C (Applicant may ask the Commission to initiate government-to-government consultation if Tribe does not respond to second contact within seven days).

²⁴ Based on staff experience, requests can be processed most efficiently if the subject line includes: a) the words "Referral to Commission"; b) the TCNS file number, if used; and c) the Applicant's name. It is helpful for the text of the e-mail to include: a) Applicant's contact name and e-mail address; b) tower street address, city, county, and state; c) complete and correct names of the federally recognized Indian tribe(s) or NHO(s) that have not responded to the Applicant's contacts (as found on TCNS); d) date the Applicant first notified each Indian tribe or NHO; and e) dates of any follow-up inquiries.

²⁵ If the Indian tribe or NHO has not designated a cultural resources representative to the Commission, this communication will be sent to the Tribal Leader. To avoid undue burdens on tribal and NHO representatives and implement a practical process, Commission staff may aggregate a number of referrals into one communication to the appropriate representative.

²⁶ If Commission staff does not successfully contact the designated representative in the telephone call, it will attempt to phone the central administrative office of the Indian tribe or NHO. If staff has aggregated a number of referrals into one letter and/or e-mail, it need not make separate calls for each tower referral, but may instead make one call to alert the Indian tribe or NHO to the communication. An Indian tribe or NHO is free to indicate to Commission staff that it would prefer not to receive such phone calls. Staff efforts to contact the Indian tribes and NHOs by phone do not affect the running of the 20-day period set out in the letter and/or e-mail for an expression of interest in a particular tower site.

²⁷ If the 20th day falls on a Saturday, Sunday, or federal holiday, the time period is extended until the next business day. See 47 C.F.R. § 1.4(e)(1),(j).

in the NPA.²⁸

9. We conclude that this process satisfies the Commission's obligation to make reasonable and good faith efforts to identify Indian tribes and NHOs that may attach religious and cultural significance to historic properties that may be affected by an undertaking, as specified under the Nationwide Agreement and as required under the NHPA and the rules of the Advisory Council on Historic Preservation.²⁹ At the conclusion of the process specified herein, the Indian tribe or NHO will have had a total of at least 60 days to respond to at least two contacts by the Applicant (either directly or through the Commission via TCNS) and one contact by the Commission staff made to the official whom the Indian tribe or NHO has designated to receive such contacts. Moreover, in order to respond to these contacts, the Indian tribe or NHO need not evaluate the effect of the proposed construction on historic properties, but need only indicate whether there is a possibility of an effect on historic properties of cultural and religious significance to it such that it wishes to participate in the review. We believe that, in this context, the process as a whole is reasonable and is consistent with our government-to-government relationship with federally recognized Indian tribes. Hence, it satisfies the requirements of the Nationwide Agreement.

10. We recognize that many sites are currently pending in which an Indian tribe's or NHO's failure to respond to initial contacts has been referred to the Commission for resolution. While we conclude that the process set forth above satisfies the requirements of the Nationwide Agreement and will be followed going forward, it is not the only process that could do so. For those tower sites referred to the Commission by Applicants before September 10, 2005, we find that the public interest would be best served by declaring the Applicant's obligations with respect to those Indian tribes and/or NHOs under Section IV of the Nationwide Agreement to be complete. We do so for several reasons. First, virtually all of the initial contacts in the pending referral cases were made through the Commission's TCNS system. These contacts thus came in the form of a communication directly from the Commission to the Indian tribe or NHO that was sent to the representative designated by the Indian tribe or NHO, at the address the representative had selected. Second, in many instances over the past several months, the Commission's staff has already made efforts to contact Indian tribes and NHOs. For example, over a period of several weeks, the staff may have made several attempts by telephone to contact an Indian tribe or NHO and/or sent a letter or e-mail. We also note the large number of tower site referrals currently pending before us solely because of a lack of response as well as the impending close of the construction season over much of the country as winter approaches. Accordingly, we find that, for those sites referred to the Commission before September 10th because of a failure of one or more Indian tribes and/or NHOs to respond to contacts seeking an expression of interest or lack of interest, and which remain pending, the necessary actions under Section IV of the Nationwide Agreement have been completed and the Applicant may proceed.³⁰ For those pending matters that have been referred to the Commission on or after September 10, 2005, the Bureau shall send forthwith the letter and/or e-mail discussed in paragraph 8 above.

11. Finally, we emphasize that Section IX of the Nationwide Agreement imposes independent obligations on an Applicant when a previously unidentified site that may be a historic property, including an archeological property, is discovered during construction or after the completion of review. In such instances, the Applicant must cease construction and promptly notify, among others, any potentially affected Indian tribe

²⁸ In the event an Indian tribe or NHO responds only to the Commission and not to the Applicant, Commission staff will promptly inform the Applicant of the response. In most cases we expect that staff will inform the Applicant on the same day the response is received by the Commission. In the event of a slight delay in the Commission's processes, however, the Applicant must comply with a timely request by the Indian tribe or NHO when it receives notice of that request.

²⁹ See 16 U.S.C. §§ 470a(d)(6); 36 C.F.R. § 800.3(f)(2).

³⁰ See attached list in Appendix.

or NHO.³¹ An Indian tribe's or NHO's failure to express interest in participating in pre-construction review of an undertaking does not necessarily mean it is not interested in archeological properties or human remains that may inadvertently be discovered during construction. Accordingly, an Applicant is still required to notify any potentially affected Indian tribe or NHO of any such finds pursuant to Section IX or other applicable law.

IV. ORDERING CLAUSE

12. Accordingly, IT IS ORDERED pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Sections 1.2 and 1.1307(a)(4) of the Commission's rules, 47 C.F.R. §§ 1.2, 1.1307(a)(4), that this Declaratory Ruling IS ADOPTED effective immediately.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

³¹ Nationwide Agreement, § IX.A.

APPENDIX

TCNS#	Receive Date	City or County	State
462	9/8/2005	Cave City	KY
566	8/9/2005	Eau Claire	WI
585	5/9/2005	Lancaster Co.	PA
586	5/18/2005	Chester Co.	PA
587	5/18/2005	Chester Co.	PA
596	5/19/2005	Luzerne Co.	PA
597	5/19/2005	Lackawanna Co.	PA
598	5/18/2005	Newark	DE
599	5/18/2005	Chester Co.	PA
600	5/18/2005	Monroe Co.	PA
614	5/18/2005	Sussex Co.	DE
615	5/11/2005	N. Hampton Co.	PA
616	5/9/2005	Montgomery Co.	PA
617	5/18/2005	Sussex Co.	DE
618	5/9/2005	Columbia Co.	PA
619	5/9/2005	Columbia County	PA
621	5/18/2005	Ocean Co.	NJ
624	5/9/2005	Chester County	PA
626	6/8/2005	Fort Jackson	SC
627	6/8/2005	Saluda	SC
634	6/8/2005	Fort Jackson	SC
635	4/28/2005	Richland Co.	SC
636	4/28/2005	Darlington	SC
637	4/28/2005	Florence Co.	SC
638	4/28/2005	Richland Co.	SC
639	4/28/2005	Ridgeville	SC
640	4/28/2005	Saluda Co.	SC
641	5/9/2005	Lancaster Co.	PA
648	5/18/2005	Sacramento	CA
649	5/18/2005	Stanislaus Co.	CA
658	5/18/2005	Sonoma Co.	CA
661	6/20/2005	Clint	TX
666	6/20/2005	El Paso	TX
693	5/18/2005	National City	CA
694	6/30/2005	Carlisle	MA
708	5/18/2005	Petaluma	CA
729	8/18/2005	Victor	ID
746	5/18/2005	Carbon Co.	PA
747	5/9/2005	Cumberland City	PA
754	7/5/2005	Watonga	OK
758	5/17/2005	Barren Co.	KY
763	6/7/2005	Felton	PA
764	6/7/2005	East Berlin	PA
770	5/9/2005	New Castle County	DE
771	5/9/2005	Camden County	NJ
775	5/9/2005	Bucks County	PA

TCNS#	Receive Date	City or County	State
777	5/9/2005	New Castle County	DE
779	5/25/2005	Washington Co.	NE
782	5/9/2005	New Castle County	DE
784	5/9/2005	New Castle County	DE
785	6/30/2005	Sherwood	AR
786	5/9/2005	New Castle County	DE
787	5/23/2005	San Diego Co.	CA
788	6/30/2005	Little Rock	AR
789	5/20/2005	San Diego Co.	CA
790	5/20/2005	Holtville	CA
791	6/6/2005	Dan Diego Co.	CA
794	6/10/2005	Laddonia (Audrain)	MO
796	5/26/2005	San Diego Co.	CA
797	5/20/2005	San Diego Co.	CA
798	5/26/2005	San Diego Co.	CA
804	6/28/2005	Cheyenne Wells	CO
809	5/20/2005	San Diego Co.	CA
830	4/27/2005	Fulton Co.	GA
836	5/19/2005	Placer Co.	CA
839	5/23/2005	Sacramento Co.	CA
856	7/26/2005	Cortland	MN
857	7/26/2005	Jasper	MN
859	8/18/2005	Star	ID
861	6/1/2005	San Diego Co.	CA
867	6/30/2005	North Little Rock	AR
875	7/1/2005	Scott	AR
876	7/1/2005	Brinkley	AR
877	7/1/2005	Brinkley	AR
881	7/25/2005	Waynesboro	MS
883	7/8/2005	Paris	TX
884	6/7/2005	McKinney	TX
885	8/19/2005	Lake City	MN
887	5/16/2005	Wilcox Co.	GA
888	5/16/2005	Dodge Co.	GA
890	7/29/2005	Lamb Co.	TX
891	7/29/2005	Parmer Co.	TX
892	7/29/2005	Parmer Co.	TX
902	5/11/2005	Lackawanna Co.	PA
904	5/26/2005	San Diego Co.	CA
908	7/15/2005	Birmingham	AL
918	6/16/2005	Water Valley	MS
919	5/11/2005	Wanblee	SD
922	5/11/2005	Armour	SD
923	5/11/2005	Lennox	SD
925	5/11/2005	Bryant	SD
926	5/11/2005	Eureka	SD
929	6/30/2005	Little Rock	AR
930	6/30/2005	Little Rock	AR

TCNS#	Receive Date	City or County	State
950	6/30/2005	Little Rock	AR
954	7/7/2005	Fort Meyers	FL
955	7/1/2005	Lakeland	FL
957	7/12/2005	Arcadia	FL
959	7/27/2005	Redwood City	CA
960	7/5/2005	Lakeland	FL
961	7/7/2005	Lakeland	FL
962	7/1/2005	Fort Meade	FL
964	6/16/2005	Bruce	MS
965	6/16/2005	Gore Springs	MS
966	8/31/2005	Milwaukee	WI
967	6/13/2005	Williamstown	NJ
973	6/21/2005	Springfield Township	PA
974	6/13/2005	Burlington Township	NJ
976	7/1/2005	Auburndale	FL
977	7/1/2005	Winterhaven	FL
979	7/1/2005	Lake Wells	FL
981	7/1/2005	Bartow	FL
984	8/23/2005	Graceville	FL
986	5/27/2005	Cotton Co.	OK
989	5/26/2005	Sidney	OH
993	5/11/2005	Lancaster County	PA
995	7/7/2005	Provincetown	MA
996	7/14/2005	York	AL
998	6/14/2005	Centreville	AL
999	8/15/2005	Buckley	IL
1000	9/6/2005	Clifton	IL
1002	8/11/2005	Gilman	IL
1003	8/16/2005	La Moille	IL
1004	9/6/2005	Hennepin	IL
1005	8/11/2005	Ladd	IL
1006	8/15/2005	Bureau	IL
1008	8/11/2005	Wyanet	IL
1009	9/6/2005	Mineral	IL
1011	9/7/2005	South Kappa	IL
1012	5/16/2005	Early Co.	GA
1014	9/6/2005	El Paso	IL
1016	8/11/2005	Tonica	IL
1019	8/11/2005	Troy Grove	IL
1022	8/11/2005	Mendota	IL
1024	8/11/2005	Wenona	IL
1025	8/11/2005	Minonk	IL
1027	9/6/2005	Fairbury	IL
1028	8/15/2005	Chatworth	IL
1029	9/6/2005	Chenoa	IL
1030	8/15/2005	Odell	IL
1031	8/11/2005	Grand Ridge	IL
1032	8/16/2005	Streator	IL

TCNS#	Receive Date	City or County	State
1033	8/11/2005	Ransom	IL
1034	8/11/2005	Marseilles	IL
1036	8/11/2005	Utica	IL
1046	5/24/2005	Macomb Co.	MI
1047	5/24/2005	Macomb Co.	MI
1048	5/24/2005	Macomb Co.	MI
1050	5/24/2005	Macomb Co.	MI
1051	5/24/2005	Macomb Co.	MI
1057	5/24/2005	Macomb Co.	MI
1058	5/19/2005	Tuscaloosa Co.	AL
1059	5/24/2005	Macomb Co.	MI
1060	5/24/2005	Macomb Co.	MI
1061	7/7/2005	Spokane	WA
1063	7/25/2005	Lucedale	MS
1072	6/28/2005	Valley Forge	PA
1074	5/11/2005	Pennsylvania	PA
1076	6/28/2005	Cherry Hill	NJ
1077	6/28/2005	Allentown	PA
1080	6/28/2005	Philadelphia	PA
1081	6/28/2005	Philadelphia	PA
1082	7/22/2005	Marlton	NJ
1083	6/20/2005	El Cajon	CA
1084	6/17/2005	San Diego	CA
1087	7/26/2005	Cookeville	TN
1089	7/27/2005	Johnson City	TN
1094	6/28/2005	New Hanover	PA
1095	6/28/2005	Lansdale	PA
1097	6/28/2005	Bethlehem	PA
1098	6/28/2005	Allentown	PA
1099	6/28/2005	West Chester	PA
1100	6/30/2005	Doddridge	AR
1101	5/11/2005	Mercer County	NJ
1102	7/12/2005	Port Charlotte	FL
1103	7/7/2005	Port Charlotte	FL
1104	7/12/2005	Venice	FL
1110	7/7/2005	Port Charlotte	FL
1116	7/1/2005	San Carlos Park	FL
1117	7/1/2005	St. Petersbrug	FL
1118	6/16/2005	Central McComb	MS
1121	7/26/2005	Fernley	NV
1124	6/16/2005	Beaver Meadows	PA
1125	8/19/2005	Durand	WI
1128	6/16/2005	Elizabethville	PA
1129	7/8/2005	Northumberland	PA
1130	6/30/2005	Pine Bluff	AR
1132	6/20/2005	Pine Bluff	AR
1133	6/20/2005	Biscoe	AR
1139	8/22/2005	Pomona	CA

TCNS#	Receive Date	City or County	State
1140	5/16/2005	Gwinnett Co.	GA
1148	6/21/2005	Jacksonville	FL
1153	8/31/2005	Smyrna	TN
1158	6/22/2005	Jefferson Davis Co.	MS
1162	6/8/2005	Lee Co.	NC
1171	6/22/2005	Hurley	NM
1173	6/22/2005	Hurley	NM
1174	6/24/2005	Silver City	NM
1179	7/1/2005	Welch	MN
1180	6/21/2005	Chicago	IL
1181	6/22/2005	Chicago	IL
1183	6/21/2005	Indianapolis	IN
1185	6/22/2005	Cave City	KY
1188	8/22/2005	Eubank	KY
1193	5/19/2005	Luzerne Co.	PA
1194	5/19/2005	Cumberland Co.	PA
1195	5/26/2005	Montgomery Co.	TX
1201	6/10/2005	Plumerville (Conway)	AR
1209	7/5/2005	Polk City	FL
1213	7/12/2005	LA. 475 Ramin Rd.	LA
1214	7/12/2005	Jennings	LA
1215	7/12/2005	Evadale	TX
1216	7/12/2005	Gibsonton	FL
1218	7/12/2005	Beaumont	MS
1219	7/5/2005	Lakeland	FL
1223	7/26/2005	Chico	CA
1225	7/29/2005	Vernon Co.	MO
1229	5/27/2005	Tulsa Co.	OK
1231	6/24/2005	San Diego	CA
1236	7/29/2005	Richmond	KS
1244	7/13/2005	Pyland	MS
1245	7/13/2005	Calhoun City	MS
1249	5/16/2005	Bartow Co.	GA
1267	6/10/2005	Newtown Square	PA
1268	7/5/2005	Jamestown	RI
1269	9/6/2005	South Macomb	IL
1270	7/19/2005	Las Vegas	NV
1271	7/8/2005	Las Vegas	NV
1272	5/27/2005	Virginia	IL
1273	7/14/2005	Klamath Falls	OR
1274	7/1/2005	Yakima	WA
1286	7/1/2005	Lizella	GA
1287	7/15/2005	Phoenix	AZ
1288	7/15/2005	Mesa	AZ
1289	6/10/2005	Jefferson City (Cole)	MO
1292	5/17/2005	Tignall	GA
1293	8/11/2005	Las Vegas	NV
1294	7/5/2005	Monclova	OH

TCNS#	Receive Date	City or County	State
1295	6/13/2005	Mullica Hill	NJ
1296	6/13/2005	Wilmington	DE
1297	6/13/2005	Glassboro	NJ
1300	8/17/2005	New Buffalo	MI
1309	7/5/2005	Fresno	CA
1311	6/6/2005	Fresno Co.	CA
1312	6/24/2005	Fresno	CA
1313	6/24/2005	Fresno	CA
1314	5/26/2005	Harlin Co.	TX
1316	7/11/2005	Virginville	PA
1317	6/16/2005	White Haven	PA
1318	7/20/2005	Atlanta	GA
1321	7/14/2005	Wenatchee	WA
1331	7/20/2005	Smyrna	GA
1338	8/15/2005	Lake Placid	FL
1339	7/7/2005	Plant City	FL
1343	5/17/2005	Greensboro	GA
1344	5/17/2005	Greensboro	GA
1347	5/26/2005	Elk Grove	CA
1349	7/20/2005	Lithonia	GA
1350	6/30/2005	Little Rock	AR
1351	6/16/2005	Petaluma	CA
1357	6/30/2005	Troy	GA
1359	8/16/2005	Cedar Bluff	AL
1361	7/8/2005	Bethlehem	PA
1362	6/24/2005	Hollister	CA
1364	7/1/2005	Camilla	AL
1368	7/25/2005	Quitman	MS
1369	7/25/2005	Citronelle	AL
1370	7/25/2005	Toomsba	MS
1385	7/21/2005	Las Vegas	NV
1407	7/14/2005	Manson	WA
1408	7/1/2005	Calexico	CA
1412	6/30/2005	Troy	AL
1413	7/22/2005	Rialto	CA
1416	6/22/2005	Lancaster	PA
1418	7/19/2005	Las Vegas	NV
1419	7/15/2005	Buckner	AR
1420	7/15/2005	Lewisville	AR
1422	8/8/2005	Vinton City	LA
1423	7/12/2005	Crawford	TX
1425	7/13/2005	Banner	MS
1427	7/8/2005	Tulsa	OK
1429	8/4/2005	Las Vegas	NV
1430	8/4/2005	Las Vegas	NV
1436	8/16/2005	Valley Mills	TX
1437	8/17/2005	Little Rock	AR
1451	8/16/2005	Franklin Township	PA

TCNS#	Receive Date	City or County	State
1453	6/21/2005	Crystal Springs	MS
1454	6/22/2005	Brookhaven	MS
1455	8/4/2005	Las Vegas	NV
1456	7/8/2005	Las Vegas	NV
1461	7/13/2005	Ash Fork	AZ
1467	7/6/2005	Magnolia	MS
1468	7/6/2005	Wesson	MS
1469	7/6/2005	Brookhaven	MS
1470	7/6/2005	Bodue Chitto	MS
1471	7/6/2005	Summit	MS
1473	7/15/2005	Brightstar	AR
1477	8/3/2005	Las Vegas	NV
1478	6/8/2005	Downingtown	PA
1482	7/11/2005	Valley Mills	TX
1485	7/13/2005	Calhoun City	MS
1506	7/25/2005	Archbold	OH
1508	8/1/2005	Stryker	OH
1515	7/26/2005	Union City	CA
1520	8/17/2005	Little Rock	AR
1521	5/19/2005	Madison Co.	GA
1522	5/24/2005	Franklin Co.	GA
1528	6/6/2005	Franklin Co.	GA
1536	5/27/2005	Canden Co.	NJ
1541	7/13/2005	Louisville	MS
1542	7/13/2005	Booneville	MS
1567	7/19/2005	Chicago	IL
1569	9/6/2005	Long Beach	CA
1572	9/8/2005	Springville	CA
1576	5/27/2005	Woodland	CA
1577	6/16/2005	Howell	NJ
1581	6/16/2005	Sparks	NV
1584	6/30/2005	Fresno	CA
1585	6/30/2005	Clovis	CA
1586	7/5/2005	San Rafael	CA
1587	7/5/2005	Napa	CA
1598	6/30/2005	Glen Ellen	CA
1603	6/30/2005	Porterville	CA
1604	6/30/2005	Carthage	MO
1613	6/27/2005	York	PA
1622	8/22/2005	Mabelvale	AR
1628	7/1/2005	San Diego	CA
1631	8/25/2005	Hebo	OR
1632	8/25/2005	Curry Co.	OR
1633	8/24/2005	Mount Angel	OR
1635	8/25/2005	Gresham	OR
1641	6/30/2005	Lakeside	CA
1642	8/16/2005	Stanford	IL
1643	8/11/2005	McLean Co.	IL

TCNS#	Receive Date	City or County	State
1644	8/11/2005	Little York	IL
1646	8/11/2005	Gladstone	IL
1647	8/16/2005	Stronghurst	IL
1648	8/11/2005	Elmwood	IL
1649	8/15/2005	Biggsville	IL
1650	8/11/2005	Joy	IL
1651	8/16/2005	Pekin	IL
1655	6/10/2005	Libertyville	IL
1656	8/16/2005	Duncan	TX
1658	7/14/2005	Waterville	WA
1665	7/20/2005	Kennesaw	GA
1666	7/15/2005	Dumas	AR
1671	7/5/2005	Hillsboro	OH
1672	7/5/2005	Union City	OH
1674	7/5/2005	Lancaster	OH
1675	7/5/2005	Powell	OH
1681	8/25/2005	Beverton	OR
1683	8/25/2005	Hubbard	OR
1693	7/15/2005	Texarkana	AR
1694	7/5/2005	New Carlisle	OH
1695	7/5/2005	Fort Recovery	OH
1698	7/15/2005	Ozan	AR
1699	7/15/2005	Naples	TX
1702	6/1/2005	Trego	WI
1704	7/26/2005	Antioch	CA
1729	6/1/2005	Fannin Co.	GA
1735	5/27/2005	Lackawanna Co.	PA
1753	7/14/2005	Alexander	AR
1755	7/14/2005	DeValls Bluff	AR
1757	8/22/2005	Benton	AR
1760	8/16/2005	Lake Texoma	TX
1766	7/13/2005	Tuscon	AZ
1768	7/20/2005	Houston	TX
1772	9/7/2005	Bremer County	IA
1780	7/25/2005	Tylertown	MS
1782	7/12/2005	Duchamp	LA
1792	7/6/2005	Canyon Lake	CA
1793	7/6/2005	Riverside	CA
1798	7/12/2005	Pottsboro	TX
1799	6/30/2005	Nacogdoches	TX
1807	7/13/2005	Riverside	CA
1809	6/30/2005	Arlington	TX
1813	7/20/2005	North Las Vegas	NV
1814	8/1/2005	Norht Las Vegas	NV
1817	6/30/2005	Pearsall	TX
1818	8/4/2005	Las Vegas	NV
1823	7/19/2005	Las Vegas	NV
1826	6/30/2005	Jefferson City	MO

TCNS#	Receive Date	City or County	State
1827	6/30/2005	Crocker	MO
1831	7/26/2005	Perry	KS
1846	6/1/2005	Henry Co.	GA
1850	7/26/2005	Pine	AZ
1864	8/10/2005	Anaheim	CA
1871	7/6/2005	Canton	MS
1872	7/6/2005	Jackson	MS
1875	6/7/2005	Baldwin Co.	GA
1892	7/29/2005	Hempstead	AR
1893	7/15/2005	Waldo	AR
1894	7/12/2005	Pottsboro	TX
1905	7/12/2005	Allen	TX
1906	7/12/2005	Nocona	TX
1907	8/4/2005	Las Vegas	NV
1908	8/15/2005	Las Vegas	NV
1919	8/9/2005	Columbus	OH
1920	6/6/2005	Fannin Co.	GA
1921	6/8/2005	Atlanta	GA
1931	6/30/2005	Miami	FL
1933	6/16/2005	Grayson Co.	TX
1934	7/18/2005	Clifton	CO
1945	7/22/2005	San Clemente	CA
1946	7/22/2005	San Marcos	CA
1954	6/14/2005	Plymouth	WI
1955	7/28/2005	Alameda	CA
1956	7/25/2005	Louin	MS
1965	7/12/2005	Ringgold	TX
1966	7/12/2005	McKinney	TX
1967	7/12/2005	Fort Stockton	TX
1970	7/5/2005	Ashville	OH
1971	7/13/2005	Vallejo	CA
1973	7/26/2005	Manchester	MA
1974	6/30/2005	Harvard	MA
1975	7/6/2005	Ontario	CA
1977	6/14/2005	Nekoosa	WI
1988	7/6/2005	Big Bear Lake	CA
1992	7/22/2005	Los Angeles	CA
1993	7/22/2005	Garden Grove	CA
1994	7/22/2005	Mission Viejo	CA
1995	7/22/2005	Fountain Valley	CA
1997	8/11/2005	Anaheim	CA
1998	7/22/2005	Excondido	CA
2002	7/11/2005	Greeley	CO
2003	7/8/2005	Colorado Springs	CO
2004	7/18/2005	Littleton	CO
2024	7/22/2005	Torrance	CA
2025	7/22/2005	San Pedro	CA
2026	7/22/2005	San Marcos	CA

TCNS#	Receive Date	City or County	State
2027	6/23/2005	Jakin	GA
2028	6/23/2005	Norman Park	GA
2035	9/8/2005	Carroll County	IA
2040	9/6/2005	Beulah	ND
2041	9/8/2005	Bottineau County	ND
2043	9/8/2005	Dakota County	MN
2045	9/8/2005	Goodhue County	MN
2046	9/8/2005	Hennepin County	MN
2047	9/8/2005	Pennington County	SD
2048	9/8/2005	Pennington County	SD
2049	9/6/2005	Sioux Falls	SD
2050	9/8/2005	Ipswich	SD
2051	9/7/2005	Wayne County	MO
2052	9/7/2005	Perry County	MO
2053	9/8/2005	Richland	MO
2054	9/8/2005	St. Louis	MO
2055	9/7/2005	Moniteau County	MO
2061	8/31/2005	Sweet Springs	MO
2062	8/31/2005	Nelson	MO
2064	8/31/2005	Houstonia	MO
2065	8/31/2005	Marshall	MO
2066	8/31/2005	Higginsville	MO
2067	8/31/2005	Hughesville	MO
2068	9/6/2005	Sedalia	MO
2069	6/30/2005	Locka	FL
2070	6/30/2005	Miami	FL
2071	7/15/2005	Fallston	MD
2093	6/8/2005	Dothan	AL
2094	6/8/2005	Delta	AL
2095	6/8/2005	Dothan	AL
2097	7/11/2005	North Little Rock	AR
2098	7/11/2005	Sherwood	AR
2099	7/11/2005	North Little Rock	AR
2100	7/11/2005	Little Rock	AR
2101	7/14/2005	Little Rock	AR
2102	7/11/2005	North Little Rock	AR
2106	6/10/2005	McIntrye	GA
2107	6/10/2005	Sparta	GA
2108	6/10/2005	Sandersville	GA
2109	6/23/2005	Brinson	GA
2110	8/31/2005	La Quinta	CA
2112	7/7/2005	Sandiego	CA
2140	6/21/2005	Elk Grove Village	IL
2170	7/14/2005	Newport Beach	CA
2171	7/14/2005	Newport Beach	CA
2172	7/21/2005	San Clemente	CA
2173	7/14/2005	Newport Beach	CA
2174	7/21/2005	San Diego	CA

TCNS#	Receive Date	City or County	State
2175	7/22/2005	San Diego	CA
2176	7/21/2005	Escondido	CA
2177	7/21/2005	Escondido	CA
2186	7/7/2005	Vista	CA
2187	7/5/2005	Marysville	CA
2188	7/5/2005	Clovis	CA
2190	7/5/2005	Fresno	CA
2192	7/6/2005	Morro Bay	CA
2213	8/5/2005	Ontario	CA
2216	7/13/2005	Clark Summit	PA
2217	7/13/2005	Northampton	PA
2218	7/12/2005	Haslett	TX
2224	7/11/2005	Alexander	AR
2228	7/8/2005	Verona	MO
2230	7/12/2005	Pittsburg	TX
2235	8/5/2005	Salford	PA
2237	6/28/2005	Glenn Mills	PA
2238	8/5/2005	Coatesville	PA
2240	7/13/2005	Bath	PA
2241	7/25/2005	Benoit	MS
2242	7/26/2005	Cresson	TX
2243	7/8/2005	Lewisville	TX
2247	7/29/2005	San Diego	CA
2248	7/8/2005	Sherwood	AR
2256	7/26/2005	Dayton	TN
2261	8/18/2005	Midway	GA
2277	7/20/2005	Cumming	GA
2291	8/16/2005	North Bergen	NJ
2292	8/16/2005	Kearny	NJ
2293	8/16/2005	Jersey City	NJ
2301	7/26/2005	Clay	MO
2303	8/29/2005	Kerman	CA
2305	8/8/2005	Firth	NE
2315	9/6/2005	Willis	TX
2316	7/26/2005	Calhoun	MO
2317	7/26/2005	Clinton	MO
2319	7/12/2005	Crawford	TX
2320	7/5/2005	Redding	CA
2321	7/5/2005	Reno	NV
2322	7/5/2005	Sacramento	CA
2323	7/5/2005	Roseville	CA
2325	7/14/2005	Davis	CA
2328	6/10/2005	Tuscumbia	AL
2342	8/1/2005	Madera	CA
2348	6/28/2005	Atlanta	GA
2353	7/5/2005	Silver Spring	NV
2354	7/5/2005	Dayton	NV
2356	7/26/2005	Albuquerque	NM

TCNS#	Receive Date	City or County	State
2358	6/14/2005	Lesington	AL
2359	6/14/2005	Vina	AL
2367	8/11/2005	North Little Rock	AR
2368	6/14/2005	Weedowee	AL
2375	7/5/2005	Bellefontaine	OH
2376	7/26/2005	Arlington	TX
2391	7/5/2005	East Sparta	OH
2392	7/5/2005	Louiseville	OH
2396	7/25/2005	Mobile	AL
2397	9/8/2005	Nowell	CA
2399	9/6/2005	Rialto	CA
2417	6/20/2005	Atlanta	GA
2419	6/27/2005	Fort Jackson	SC
2440	9/9/2005	Ontario	CA
2444	8/16/2005	Philadelphia	PA
2445	7/13/2005	Dingmans Ferry	PA
2446	8/16/2005	Plumsteadville	PA
2447	8/16/2005	Sharon Hill	PA
2454	9/8/2005	Oxnard	CA
2456	9/8/2005	Los Angeles	CA
2457	9/7/2005	Los Angeles	CA
2458	9/7/2005	Los Angeles	CA
2460	9/8/2005	Atwater	CA
2462	7/5/2005	Sacramento	CA
2464	6/15/2005	Atlanta	GA
2466	9/6/2005	Lake Elsinore	CA
2467	9/8/2005	Dixon	CA
2468	9/8/2005	South Lake Tahoe	CA
2472	6/20/2005	Hayneville	AL
2481	6/21/2005	Clarkston	GA
2484	7/5/2005	North Canton	OH
2487	7/26/2005	Las Vegas	NV
2490	9/1/2005	Senoia	GA
2496	8/16/2005	Wellsboro	PA
2498	8/16/2005	New Albany	PA
2499	8/10/2005	Newark Valley	NY
2512	8/25/2005	Somerset/Pulaski County	KY
2515	7/14/2005	Escondido	CA
2516	7/29/2005	San Diego	CA
2518	7/29/2005	Owaneco	IL
2519	7/29/2005	Strasburg	IL
2521	6/20/2005	Dawsonville	GA
2523	8/5/2005	Phoenixville	PA
2524	8/5/2005	King of Prussia	PA
2525	8/5/2005	Newark	DE
2527	7/29/2005	Cassville	MO
2541	8/31/2005	Phoenix	AZ
2544	8/18/2005	Friant	CA

TCNS#	Receive Date	City or County	State
2632	7/20/2005	Laramie Co.	WY
2633	7/20/2005	Laramie Co.	WY
2634	7/20/2005	Laramie Co.	WY
2635	7/20/2005	Laramie Co.	WY
2636	7/20/2005	Platte Co.	WY
2637	7/20/2005	Platte Co.	WY
2638	7/20/2005	Platte Co.	WY
2639	7/20/2005	Cook Co.	WY
2640	7/20/2005	Johnson Co.	WY
2641	7/20/2005	Campbell Co.	WY
2642	7/20/2005	Campbell Co.	WY
2643	7/20/2005	Campbell Co.	WY
2644	7/20/2005	Campbell Co.	WY
2645	7/20/2005	Campbell Co.	WY
2646	7/20/2005	Campbell Co.	WY
2647	7/20/2005	Campbell Co.	WY
2648	7/20/2005	Laramie Co.	WY
2655	7/8/2005	Bloomsburg	PA
2661	8/15/2005	Las Vegas	NV
2672	7/8/2005	Boise	ID
2677	7/8/2005	Boise	ID
2678	7/8/2005	Boise	ID
2679	7/8/2005	Nampa	ID
2684	7/8/2005	Kuna	ID
2696	7/5/2005	Grantville	GA
2698	7/26/2005	Center	TX
2707	8/24/2005	San Bernardino	CA
2708	9/7/2005	Riverside	CA
2720	8/17/2005	Medford	OR
2726	8/17/2005	Terrabonne	OR
2728	8/1/2005	McKinney	TX
2736	7/19/2005	Miramar	FL
2746	8/19/2005	Orlando	FL
2747	6/27/2005	Louisville	GA
2758	8/31/2005	La Moure	ND
2761	7/5/2005	Stevens Point	WI
2766	7/5/2005	Onalaska	WI
2767	7/5/2005	Marshfield	WI
2768	7/5/2005	LaCrosse	WI
2773	8/22/2005	Zeeland	MI
2774	7/5/2005	LaCrosse	WI
2777	7/12/2005	Wedgefield	SC
2785	7/1/2005	Tennille	GA
2794	7/20/2005	El Cajon	CA
2795	7/18/2005	El Cajon	CA
2805	8/18/2005	San Diego	CA
2818	8/22/2005	Wilson	NC
2834	8/1/2005	Aurora	CO

TCNS#	Receive Date	City or County	State
2839	7/28/2005	Madera Co.	CA
2843	8/1/2005	Fresno	CA
2844	7/29/2005	Washington	AR
2846	7/29/2005	Blevins	AR
2848	7/29/2005	Heber Springs	AR
2849	8/18/2005	Queens	NY
2852	7/12/2005	Monahans	TX
2853	7/29/2005	Lockesburg	AR
2855	8/1/2005	Red Oak	X.
2856	8/1/2005	Atlanta	GA
2861	7/28/2005	Madera	CA
2878	7/21/2005	Galeton	PA
2880	7/21/2005	Pot Allegany	PA
2882	7/21/2005	Lawrenceville	PA
2883	7/21/2005	Gwynedd	PA
2885	8/1/2005	Chowchilla	CA
2891	7/8/2005	Union	SC
2893	9/6/2005	Kansas City	KS
2897	8/17/2005	Olympia	WA
2903	9/6/2005	Boonville	MO
2908	8/19/2005	Depew	OK
2910	9/6/2005	Coon Rapids	MN
2913	8/15/2005	Nampa	ID
2915	8/15/2005	Boise	ID
2916	8/15/2005	Kuna	ID
2920	8/1/2005	Madera	CA
2943	9/8/2005	Black Hawk County	IA
2946	7/8/2005	Nashport	OH
2948	8/15/2005	Richmond	IN
2953	8/26/2005	Oakland	CA
2954	8/26/2005	San Jose	CA
2963	8/19/2005	Dover	FL
2968	8/16/2005	Pitkin Co.	CO
2970	8/16/2005	New Raymer	CO
2982	7/1/2005	Cumming	GA
2985	7/8/2005	Las Vegas	NV
2986	8/16/2005	Platte Co.	WY
2987	8/15/2005	Parker	CO
2993	8/16/2005	Ellijay	GA
2996	8/1/2005	Littleton	CO
3005	8/8/2005	Carbon Co.	WY
3010	9/8/2005	Pittsburg	CA
3014	9/8/2005	Stockton	CA
3020	8/4/2005	Lewisville	TX
3021	7/26/2005	Cookeville	TN
3028	7/25/2005	Clarks Summit	PA
3029	8/17/2005	Newton	UT
3035	8/23/2005	Las Vegas	NV

TCNS#	Receive Date	City or County	State
3038	8/23/2005	North Las Vegas	NV
3040	8/15/2005	West Valley City	UT
3041	8/15/2005	South Jordan	UT
3043	8/15/2005	Farmington	UT
3044	8/15/2005	Salt Lake City	UT
3045	8/15/2005	Davis Co.	UT
3047	8/23/2005	Las Vegas	NV
3050	8/15/2005	American Fork	UT
3051	8/15/2005	Spanish Fork	UT
3052	8/15/2005	LaVerkin	UT
3055	9/7/2005	Salt Lake City	UT
3057	9/7/2005	Salt Lake City	UT
3061	8/15/2005	Richmond	UT
3062	7/26/2005	Plato	MN
3065	8/15/2005	Mendon	UT
3066	8/1/2005	Swanton	OH
3067	8/15/2005	Toquerville	UT
3071	8/15/2005	Orem	UT
3072	8/15/2005	Sandy	UT
3073	8/15/2005	Provo	UT
3075	8/15/2005	Providence	UT
3081	7/26/2005	New Richland	MN
3084	7/25/2005	Sun City	AZ
3085	7/25/2005	Guadalupe	AZ
3099	7/25/2005	Sun City	AZ
3103	7/25/2005	Phoenix	AZ
3107	7/25/2005	Arizona City	AZ
3109	7/26/2005	Bellingham	MN
3110	7/26/2005	Greenbush	MN
3111	7/26/2005	Northwood	ND
3112	7/26/2005	Cooperstown	ND
3113	7/26/2005	Ellendale	ND
3114	7/26/2005	Ashley	ND
3117	7/26/2005	Elgin	ND
3123	9/1/2005	Angels Camp	CA
3125	8/2/2005	San Diego	CA
3128	8/23/2005	Far Rockaway	NY
3134	9/8/2005	Visalia	CA
3141	8/8/2005	Sparks	NV
3148	8/15/2005	Smithfield	UT
3149	8/15/2005	Springfield	OH
3161	8/15/2005	Meridian	ID
3165	7/8/2005	Canton	GA
3166	8/4/2005	Allentown	PA
3167	7/12/2005	College Station	TX
3168	7/12/2005	Conroe	TX
3169	8/4/2005	Nottingham	PA
3171	8/19/2005	Purcell	OK

TCNS#	Receive Date	City or County	State
3174	9/9/2005	Oakland	CA
3177	8/19/2005	Hugo	OK
3180	9/9/2005	Philadelphia	PA
3181	7/15/2005	Plantersville	TX
3192	7/14/2005	La Crosse	WI
3200	8/22/2005	Oconomowoc	WI
3203	7/14/2005	Onalaska	WI
3211	7/11/2005	Mr. Laurel Township	NJ
3225	8/16/2005	Oakly	UT
3233	8/11/2005	Erie	CO
3236	8/3/2005	Fort Carson	CO
3239	8/11/2005	Boulder	CO
3254	9/1/2005	Alpharetta	GA
3262	8/15/2005	Saint Paul	MN
3266	8/15/2005	Lake elmo	MN
3269	8/15/2005	Des Plaines	IA
3280	9/8/2005	Vacaville	CA
3299	8/3/2005	Ft. Carson	CO
3300	8/11/2005	Lakewood	CO
3309	8/17/2005	North Little Rock	AR
3310	8/4/2005	Las Vegas	NV
3311	9/8/2005	San Francisco	CA
3313	8/15/2005	Nampa	ID
3315	9/8/2005	Sanger	CA
3317	8/10/2005	Naples	FL
3344	8/4/2005	King of Prussia	PA
3346	8/11/2005	East Berlin	PA
3366	9/6/2005	Wildomar	CA
3367	7/19/2005	Easley	SC
3369	7/21/2005	Union	SC
3371	9/6/2005	Sun City	CA
3378	9/6/2005	San Ramon	CA
3427	8/26/2005	Santa Clara	CA
3433	9/2/2005	Portland	OR
3435	7/26/2005	Jenkinsville	SC
3436	7/21/2005	Saluda	SC
3439	7/21/2005	Jenkinsville	SC
3441	7/21/2005	Chappells	SC
3446	8/8/2005	St. Louis	MS
3455	8/16/2005	Jersey City	NJ
3458	7/21/2005	Longarm Mountain	NC
3459	7/21/2005	Scaly Mountain	NC
3462	7/21/2005	Marshall	NC
3463	7/21/2005	Highlands	NC
3466	8/17/2005	Hazelhurst	MS
3474	9/2/2005	Palm Beach Co.	FL
3500	8/12/2005	Palo Verde	CA
3503	8/15/2005	San Luis Obispo	CA

TCNS#	Receive Date	City or County	State
3510	7/11/2005	Eatanton	GA
3515	7/11/2005	Eatanton	GA
3529	9/2/2005	St. Cloud	MN
3534	9/8/2005	Bakersfield	CA
3537	9/8/2005	Fresno	CA
3538	8/3/2005	Palmdale	CA
3548	8/5/2005	Wellsboro	PA
3552	9/1/2005	Gary	IN
3557	8/24/2005	Littleton	CO
3571	7/11/2005	Talbotton	GA
3572	8/25/2005	Las Vegas	NV
3573	8/11/2005	Las Vegas	NV
3574	7/11/2005	Gay	GA
3580	9/2/2005	Fort Pierce	FL
3581	9/7/2005	Chesapeake	VA
3586	8/17/2005	Colorado Springs	CO
3592	9/2/2005	Pompano Beach	FL
3602	8/24/2005	Layton	UT
3612	9/2/2005	Miramar	FL
3613	9/8/2005	Harrison County	IN
3628	8/2/2005	Santa Barbara Co.	CA
3635	7/26/2005	Bottineau	ND
3640	8/22/2005	Kenosha	WI
3648	7/14/2005	Cleveland	GA
3664	9/6/2005	Hillsboro	MO
3666	8/22/2005	Pleasant Prairie	WI
3687	9/1/2005	Jenson Beach	FL
3698	9/7/2005	Santa Barbara	CA
3719	9/6/2005	Roseville	CA
3720	8/10/2005	East Stroudsburg	PA
3724	8/2/2005	Peyton	CO
3725	8/5/2005	Colorado Springs	CO
3731	9/1/2005	McDonough	GA
3734	9/2/2005	Brandon	OR
3753	8/24/2005	Port Orford	OR
3757	8/25/2005	Clark	OR
3769	8/23/2005	Winchester	MA
3772	7/26/2005	Fairfield	ND
3773	7/26/2005	Hettinger	ND
3782	9/2/2005	Chandler	AZ
3790	7/14/2005	Russellville	AL
3815	9/2/2005	Trophy Club	TX
3839	7/26/2005	Velva	ND
3843	9/6/2005	Visalia	CA
3845	7/29/2005	Stonington	IL
3846	7/26/2005	Gackle	ND
3850	7/29/2005	Oconee	IL
3851	7/29/2005	Findlay	IL

TCNS#	Receive Date	City or County	State
3853	7/29/2005	Dundee	IL
3854	7/26/2005	Dickinson	ND
3856	7/26/2005	Moorhead	MN
3857	7/26/2005	Arenzville	IL
3859	7/26/2005	Palmyra	IL
3860	7/29/2005	Elk Grove Village	IL
3862	8/17/2005	Las Vegas	NV
3864	7/26/2005	Power	MT
3869	7/14/2005	Colbert	GA
3870	7/26/2005	Hills Co.	MT
3872	9/1/2005	Aztec	NM
3874	9/1/2005	Carrizozo	NM
3877	9/1/2005	Moriarty	NM
3912	9/8/2005	Oxnard	CA
3925	8/8/2005	Fresno	CA
3926	8/8/2005	Fresno	CA
3927	8/29/2005	Fallbrook	CA
3928	9/7/2005	Irving	TX
3929	8/2/2005	El Cajon	CA
3934	8/12/2005	Jamestown	CA
3936	8/8/2005	Stockton	CA
3947	8/23/2005	Lakeland	FL
3948	9/1/2005	Atlanta	GA
3963	8/10/2005	Las Vegas	NV
3966	8/10/2005	Las Vegas	NV
3967	8/10/2005	Henderson	NV
3968	8/10/2005	Las Vegas	NV
3976	8/26/2005	San Leandro	CA
3986	8/15/2005	New Lebanon	NY
3989	7/29/2005	Temecula	CA
3992	9/7/2005	Delphi	IN
4007	9/9/2005	Bristol	PA
4008	8/29/2005	Sallis	MS
4009	8/29/2005	Attala Co.	MS
4013	8/24/2005	Freeville	NY
4032	9/8/2005	Helm	CA
4036	9/8/2005	Modesto	CA
4044	8/15/2005	Newport	MN
4046	8/26/2005	Mahtomedi	MN
4047	8/26/2005	Otsego	MN
4060	9/8/2005	Ceres	CA
4068	7/25/2005	Florence	AL
4069	9/1/2005	Lackawanna	PA
4077	8/25/2005	Brookly	WI
4087	9/9/2005	Union City	CA
4092	8/15/2005	Birchwood Lakes	PA
4094	8/15/2005	Allentown	PA
4099	8/26/2005	San Jose	Ca

TCNS#	Receive Date	City or County	State
4124	8/31/2005	Little Rock	AR
4142	8/2/2005	Stephens	AR
4143	8/4/2005	Roxboro	NC
4144	8/25/2005	Las Vegas	NV
4151	9/6/2005	Escondido	CA
4162	8/2/2005	Midland	MI
4163	8/23/2005	North Las Vegas	NV
4164	8/23/2005	Las Vegas	NV
4166	9/7/2005	Newport	OR
4168	8/2/2005	Muskegon	MI
4170	8/19/2005	Houstonia	MO
4196	8/26/2005	Sacramento	Ca
4198	8/26/2005	San Jose	CA
4250	8/5/2005	Hemet	CA
4251	8/5/2005	Bakersfield	CA
4253	8/5/2005	Perris	CA
4263	8/1/2005	Branswick	GA
4273	8/16/2005	Camden	NJ
4276	8/1/2005	Jesup	GA
4285	9/7/2005	Corona	CA
4286	9/7/2005	Termal	CA
4287	9/7/2005	Indio	CA
4292	8/24/2005	Olds	IA
4299	8/25/2005	Moab	UT
4300	8/25/2005	Provo	UT
4302	8/15/2005	Draper	UT
4304	8/15/2005	Spanish Fork	UT
4305	8/15/2005	Salt Lake City	UT
4306	8/15/2005	Salt Lake City	UT
4307	8/19/2005	Antlers	OK
4317	8/26/2005	Buckman	MN
4320	8/26/2005	Amery	WI
4327	8/10/2005	Hamden	CT
4328	8/24/2005	Las Vegas	NV
4329	8/15/2005	Las Vegas	NV
4332	8/29/2005	Valley Center	CA
4334	8/10/2005	West Haven	CT
4336	9/1/2005	Sedalia	MS
4339	8/5/2005	Washington	IL
4348	8/15/2005	Kankakee	IL
4349	8/15/2005	Kankakee	IL
4351	8/17/2005	Georgetown	SC
4352	9/7/2005	San Bruno	CA
4354	9/1/2005	San Marcos	CA
4356	8/19/2005	Lewiston	UT
4366	9/7/2005	Antelopoe	CA
4373	9/7/2005	Shandon	CA
4380	8/26/2005	Hammond	IN

TCNS#	Receive Date	City or County	State
4381	8/8/2005	Albion	MI
4408	9/7/2005	Eaton	OH
4425	9/9/2005	Mariposa	CA
4454	9/9/2005	Taft	CA
4466	9/9/2005	Stockton	CA
4471	9/9/2005	Lucerne	CA
4472	9/9/2005	Camino	CA
4473	9/9/2005	Kern	CA
4474	9/9/2005	Visalia	CA
4476	9/7/2005	Palm Springs	CA
4479	9/9/2005	San Jose	CA
4480	9/7/2005	Idyllwild	CA
4483	9/7/2005	Cathedral City	CA
4485	9/7/2005	Riverside County	CA
4486	9/7/2005	Riverside County	CA
4490	9/7/2005	San Bernardino	CA
4492	9/9/2005	Bakersfield	CA
4494	9/9/2005	Sacramento	CA
4495	9/9/2005	Fresno	CA
4496	9/9/2005	Fresno	CA
4499	9/9/2005	Fresno	CA
4509	9/7/2005	Paso Robles	CA
4515	9/7/2005	Monterey Park	CA
4519	9/7/2005	Moreno Valley	CA
4525	8/31/2005	McKinney	TX
4526	8/2/2005	Rockford	AL
4527	8/2/2005	Rockford	AL
4528	8/1/2005	Goodwater	AL
4533	8/4/2005	Lafayette	AL
4534	8/4/2005	Waverly	AL
4535	8/2/2005	Opelika	AL
4544	8/1/2005	Midway	AL
4545	8/1/2005	Eufaula	AL
4547	8/1/2005	Headland	AL
4549	8/1/2005	Elba	AL
4561	8/10/2005	Kalamazoo	MI
4567	8/17/2005	Jonesville	MI
4568	8/24/2005	Rapids	WI
4587	9/7/2005	Long Beach	CA
4591	9/6/2005	Pico Rivera	CA
4592	9/6/2005	Los Angeles	CA
4593	9/6/2005	Los Angeles	CA
4599	8/15/2005	Browns Valley	CA
4600	8/15/2005	Modesto	CA
4601	8/15/2005	Truckee	CA
4602	8/15/2005	Shingle Springs	CA
4603	8/15/2005	Piedra	CA
4608	9/2/2005	Cotati	CA

TCNS#	Receive Date	City or County	State
4610	9/2/2005	Fresno	CA
4611	8/11/2005	Midland	MI
4612	9/8/2005	Orlando	FL
4626	9/8/2005	Lakeland	FL
4630	9/6/2005	Brentwood	CA
4636	8/30/2005	Denver	CO
4641	8/11/2005	Truckee	CA
4646	8/31/2005	Ramah	CO
4648	8/31/2005	LaPorte	CO
4649	8/31/2005	Limon	CO
4650	8/31/2005	Colorado	CO
4651	8/31/2005	Loveland	CO
4653	9/7/2005	Archdale	NC
4654	8/31/2005	Greeley	CO
4659	8/29/2005	Boulder	CO
4660	8/29/2005	Loveland	CO
4661	8/31/2005	Colorado Springs	CO
4663	8/30/2005	Wolcott	CO
4664	8/30/2005	Glenwood Springs	CO
4666	9/7/2005	Durham	NC
4667	8/31/2005	Glenwood Springs	Co
4668	8/31/2005	Fruita	CO
4669	9/8/2005	Rock Hill	SC
4670	8/11/2005	Lake Nebagamon	WI
4671	9/7/2005	Rockingham	NC
4672	9/7/2005	Durham	NC
4674	9/7/2005	Plano	TX
4686	9/9/2005	Casper	WY
4687	9/7/2005	Fayetteville	NC
4691	9/8/2005	Durham	NC
4695	8/12/2005	Grantville	KS
4697	8/25/2005	Las Vegas	NV
4698	8/15/2005	Las Vegas	NV
4701	9/7/2005	Perris	CA
4704	8/29/2005	San Bernardino	CA
4715	9/6/2005	Plano	TX
4720	9/1/2005	Sylmar	CA
4721	9/1/2005	Paramount	CA
4722	9/1/2005	Gardena	CA
4723	9/1/2005	Irvine	CA
4738	9/1/2005	Florence	AZ
4745	9/2/2005	Chimacum	WA
4747	9/1/2005	West Covina	CA
4760	9/7/2005	Sauk City	WI
4763	9/6/2005	Brooklyn	NY
4768	9/8/2005	Durham	NC
4769	9/7/2005	Mebane	NC
4770	8/5/2005	Five Points	AL

TCNS#	Receive Date	City or County	State
4801	8/31/2005	Culver City	CA
4803	8/31/2005	San Bernadino	CA
4818	9/7/2005	Ann Arbor	IL
4822	9/1/2005	Denison	TX
4823	8/24/2005	Cotati	CA
4825	9/8/2005	New Rockford	ND
4827	9/8/2005	Buffalo	WY
4829	9/9/2005	Glendo	WY
4830	9/8/2005	Cheyenne	WY
4831	9/9/2005	Eddy	NM
4832	9/9/2005	Panguitch	UT
4834	9/8/2005	Cheyenne	WY
4835	9/8/2005	Buffalo	WY
4836	9/8/2005	Verona	ND
4837	9/8/2005	Grace City	ND
4838	9/8/2005	Carrington	ND
4840	9/8/2005	Petersburg	VA
4841	9/8/2005	Aneta	ND
4845	9/8/2005	Epping	ND
4846	9/8/2005	Williston	ND
4864	8/5/2005	Eatonton	GA
4865	9/8/2005	Adams	ND
4889	9/8/2005	Cedar Falls	IA
4890	9/8/2005	Red Wing	MN
4891	9/6/2005	Bensonville	IL
4892	9/7/2005	Naperville	IL
4906	8/29/2005	Richmond	CA
4911	8/25/2005	Henderson	NV
4912	8/25/2005	Henderson	NV
4913	8/19/2005	Washington	AR
4914	8/19/2005	Marietta	TX
4916	8/19/2005	Valliant	OK
4917	8/25/2005	Las Vegas	NV
4926	8/29/2005	Stockton	CA
4938	8/15/2005	Marshfield	WI
4942	8/26/2005	Henderson/Clark County	NV
4962	8/9/2005	Roper	GA
4967	9/8/2005	Orlando	FL
4968	9/7/2005	Antioch	IL
4987	8/24/2005	Manitowoc	WI
4988	8/24/2005	Stevens Point	WI
4990	8/24/2005	Portage	WI
4995	8/19/2005	Parker	CO
5003	9/6/2005	Jeanerette	LA
5004	9/6/2005	Corpus Christi	TX
5018	8/25/2005	Yolo	CA
5028	9/9/2005	Hobbs	NM
5031	9/8/2005	St. John	ND

TCNS#	Receive Date	City or County	State
5032	9/8/2005	Walhalla	ND
5059	6/16/2005	Chicago/ Cook County	IL
5060	9/7/2005	Woodbridge	NJ
5063	9/7/2005	Bend	OR
5064	9/7/2005	Bend	OR
5065	9/7/2005	Bend	OR
5066	9/7/2005	Bend	OR
5067	9/7/2005	Bend	OR
5068	8/23/2005	Las Vegas	NV
5069	8/23/2005	Phoenix	AZ
5084	9/6/2005	Wimbledon	ND
5089	8/23/2005	Wichita	KS
5090	8/24/2005	Onsted	MI
5091	8/24/2005	Atascadero	CA
5094	8/24/2005	Anza	CA
5096	8/24/2005	Rancho Cucamonga	CA
5100	8/24/2005	Riverside	CA
5107	8/23/2005	Las Vegas	NV
5132	9/6/2005	Perris	CA
5138	9/2/2005	Tuolumne	CA
5139	8/12/2005	Graham	GA
5140	9/7/2005	Black Hawk	CO
5160	8/22/2005	Hilbert	WI
5161	8/22/2005	Chilton	WI
5176	9/2/2005	Hillsboro	OR
5177	9/6/2005	Coupeville	WA
5178	9/6/2005	Sagle	ID
5179	9/6/2005	Redmond	WA
5186	8/24/2005	Onsted	MI
5236	8/24/2005	Lake Elsinore	CA
5239	8/24/2005	Ionia	MI
5242	8/26/2005	Las Vegas	NV
5269	8/29/2005	Sparks	NV
5292	8/26/2005	Las Vegas	NV
5298	8/29/2005	Kansas City	KS
5369	9/8/2005	Harris	TX
5370	8/29/2005	San Jose	CA
5372	8/29/2005	Cupertino	Ca
5373	8/29/2005	Mountain View	CA
5375	9/8/2005	Williamson County	TX
5418	8/29/2005	Henderson	NV
5424	8/29/2005	Wichita	KS
5481	8/29/2005	Las Vegas	NV
5485	9/2/2005	Lake Elsinor	CA
5492	9/9/2005	Gillette	WY
5503	8/31/2005	Plum City	WI
5504	9/1/2005	Chicago	IL
5507	9/1/2005	Kilkenny	MN

TCNS#	Receive Date	City or County	State
5521	9/9/2005	Houston	TX
5549	9/2/2005	East Lansing	MI
5550	9/2/2005	East Lansing	MI
5596	9/6/2005	Sequin	TX
5683	9/1/2005	Fillmore	CA
5685	9/1/2005	Sherman Oaks	CA
5688	9/1/2005	Chino Hills	CA
5720	8/26/2005	Eutaw	AL
5722	8/26/2005	Tutwiler	MS
5728	8/31/2005	Clarksdale	MS
5729	8/31/2005	Caohoma	MS
5777	8/26/2005	Homer	Ga
5781	9/2/2005	Rice Lake	WI
5785	9/2/2005	Lena	WI
5799	8/26/2005	Atlanta	GA
5800	8/26/2005	Tyrone	GA
5817	9/2/2005	Newman	CA
5847	9/2/2005	Greenfield	CA
5877	9/9/2005	Nueces County	TX
NT1	6/23/2005	Ridgeway	IA
NT10	5/12/2005	DeKalb Co.	GA
NT102	9/7/2005	Kenosha	WI
NT104	9/8/2005	Laramie County	WY
NT105	9/7/2005	Menomonee Falls	WI
NT11	6/23/2005	Minneapolis	MN
NT12	6/23/2005	Granada	MN
NT13	6/23/2005	Minneapolis	MN
NT14	6/23/2005	Minneapolis	MN
NT15	6/23/2005	Bellevue	NE
NT16	6/23/2005	St. Paul	MN
NT17	4/26/2005	Bastonville	GA
NT18	6/24/2005	Corcoran	MN
NT19	7/14/2005	Cypress	TX
NT2	7/14/2005	Bell County	TX
NT21	7/14/2005	San Antonio	TX
NT22	7/19/2005	Copperas Cove	TX
NT23	7/20/2005	Outagamie Co.	WI
NT24	7/20/2005	Shawano Co.	WI
NT25	7/25/2005	Greenville	WI
NT26	7/29/2005	Town of Heartland	WI
NT27	8/12/2005	Bonduel	WI
NT28	7/14/2005	Houston	TX
NT3	7/14/2005	Cypress	TX
NT4	7/14/2005	Houston	TX
NT5	7/14/2005	Houston	TX
NT6	7/14/2005	Bell County	TX
NT7	7/5/2005	Colfax	WI
NT8	7/14/2005	Spring	TX

TCNS#	Receive Date	City or County	State
NT9	6/24/2005	Cokato	MN

KEY

**TCNS # = Tower Construction
Notification System**

Date = Referral Date

**City or
County = Proposed Tower
Location**

**NT# = Referrals to the FCC
not using TCNS**

**JOINT CONCURRING STATEMENT OF
CHAIRMAN KEVIN J. MARTIN
AND
COMMISSIONER KATHLEEN Q. ABERNATHY**

Re: *Clarification of Procedures for Participation of Federally Recognized Indian Tribes and Native Hawaiian Organizations under the Nationwide Programmatic Agreement*, Declaratory Ruling

We support the Commission's goals in this Declaratory Ruling, which interprets and clarifies the application of the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission (Nationwide Agreement)³² when a federally recognized Indian tribe or Native Hawaiian organization (NHO) does not timely respond to the good faith efforts of an "applicant" or the Commission to contact the Indian tribe or NHO regarding a proposed communications tower or antenna. While we support the goals of this item, we nevertheless concur in the result.

Since the Nationwide Agreement became effective, a significant backlog of tower referrals has developed at the Commission. We supported several proposals intended to resolve this backlog. We continue to believe that siting of towers or antennas is not a federal or federally assisted undertaking,³³ and we would have preferred that the Commission reconsider its decision on that issue. We also would have preferred an even more streamlined review process that would have allowed construction to proceed even faster. Finally, we supported the "three-strikes" process submitted by CTIA, which was endorsed by industry and the United South and Eastern Tribes,³⁴ and to which we received no opposition. While we concur in today's ruling, we worry that this process may still add needless layers of bureaucracy to the tower siting process and lead to unnecessary delay.

³² 47 C.F.R. Part 1, Appendix B.

³³ See *Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process*, WT Docket No. 03-128, Report and Order, 20 FCC Rcd 1073, 1230-32 (2004) (Abernathy, K., dissenting in part, Martin, K., approving in part and dissenting in part).

³⁴ See Letter from James T. Martin, Executive Director, United South and Eastern Tribes, Inc., to Monica Desai, Acting Bureau Chief, Consumer and Governmental Affairs Bureau, and Catherine Seidel, Acting Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission (Aug. 15, 2005).

**STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: Clarification of Procedures for Participation of Federally Recognized Indian Tribes and Native Hawaiian Organizations Under the Nationwide Programmatic Agreement

I support today's decision first and foremost because it maintains the basic procedures adopted in Nationwide Programmatic Agreement and continues the vitally important government-to-government relationship that guides FCC interactions with federally-recognized Indian Tribes and Native Hawaiian Organizations (NHOs). I also support issuing a clarification of our processes now that we have some experience with implementation of the Agreement. It is not a perfect solution or as rigorous as I would have preferred, but I am optimistic that the clarification we adopt today will enable the timely deployment of communications infrastructure while, at the same time, allowing us to protect our valuable historic places. Nevertheless, the Commission must continue to work hard to implement the Agreement and should periodically reexamine our processes to ensure that we do not undermine the ability of Indian Tribes and NHOs to protect places that are culturally or religiously important.

**STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

Re: Clarification of Procedures for Participation of Federally Recognized Indian Tribes and Native Hawaiian Organizations Under the Nationwide Programmatic Agreement

I am very pleased with this Declaratory Ruling because it provides an important clarification to certain provisions of the Nationwide Programmatic Agreement (NPA), a landmark agreement that I fully support. The Order strikes the right balance between the Commission's consultation obligations to Indian tribes and Native Hawaiian organizations (NHOs) under Section 106 of the National Historic Preservation Act of 1966 and the need for certainty when Indian tribes and NHOs have not responded in a timely fashion to industry and Commission contacts.

Resolution of this issue is long overdue, given that winter is fast approaching and the construction season is ending across much of the northern United States. We need to encourage wireless infrastructure deployment, and not unnecessarily stand in its way. Given the public interest considerations and our consultation efforts to date, I am pleased that we have agreed to immediately clear the enormous backlog of tower siting requests.

While I know that there have been challenges for all parties involved in the initial implementation of the NPA, I am very encouraged by reports from both industry and tribes and NHOs regarding the extent of consultation that has taken place over the past several months. Indeed, approximately 95% of the 577 federally recognized tribes have availed themselves of the Tower Construction Notification System (TCNS). These are very positive developments, and they should not be forgotten in our resolution today of the "lack of response" issue.

Recognizing the efforts of so many to implement the NPA, I fully appreciate the concerns that were raised regarding the uncertainty created when Indian tribes and NHOs fail to reply to industry and Commission efforts to obtain a response as specified in the NPA. Once I heard about the extent of these concerns, I was pleased to work actively with my colleagues and with organizations like the United South and Eastern Tribes, the National Congress of American Indians, and CTIA to come up with an approach that both addresses the current application backlog and meets the needs of all concerned parties going forward. I fully endorse the level of cooperation and understanding that helped us develop the approach we adopt today and hope it serves as a model for further collaborative efforts under the NPA.

The NPA can and will work. We have taken important steps forward in this item, and we should continue to improve the consultation process through periodic reviews of the notification provisions of the NPA. Just as with my approach to the issue before us today, I commit to working actively with industry and Indian tribes and NHOs to ensure that consultation under the NPA works as smoothly as possible in the future.